

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>2/25/2021</u>

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UNITED STATES OF AMERICA,	:
	:
-against-	:
	:
DONOVAN REYNOLDS,	:
	:
Defendant.	:
-----	X

15-CR-537 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on October 5, 2020, Mr. Reynolds moved for compassionate release pursuant to 18 U.S.C. § 3582(c) (Dkts. 1585, 1588);

WHEREAS on January 4, 2021, the Government filed an opposition, acknowledging that Mr. Reynolds had exhausted his administrative remedies, but opposing Mr. Reynolds’ motion on the merits (Dkt. 1599);

WHEREAS on January 22, 2021, Mr. Reynolds filed a reply (Dkt. 1617);

WHEREAS, a court may, according to the plain language of the statute, reduce Mr. Reynolds’ sentence under the rubric of compassionate release if, “after considering the factors set forth in § 3553(a),” it finds that “extraordinary and compelling reasons warrant such a reduction,” 18 U.S.C. § 3582(c)(1)(A)(i);

IT IS HEREBY ORDERED THAT: Mr. Reynolds’ motion for compassionate release is DENIED. Mr. Reynolds fails to demonstrate “extraordinary and compelling reasons” warranting a sentence reduction. Although Mr. Reynolds has asthma and is obese, both of which increase

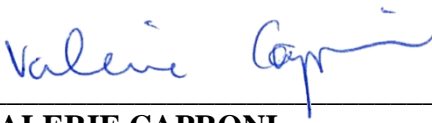
his risk of severe illness or death were he to contract COVID-19, he does not currently have COVID-19. *See* Gov. Opp. Ex. B. Mr. Reynolds is an otherwise healthy 28 year-old.¹

Even assuming Mr. Reynolds had demonstrated “extraordinary and compelling reasons” warranting a sentence reduction, his release at this point, after serving only thirty-seven of the ninety-month sentence imposed by this Court, would be an inadequate punishment for his crime, considering the applicable factors set forth in 19 U.S.C. § 3553(a). Moreover, Mr. Reynolds’ conduct in prison is concerning to the Court. He has been sanctioned several times for assaulting inmates, including most recently in 2018. *See* Gov. Opp. Ex. A. Such repeated misconduct strongly suggests that Mr. Reynolds is still prone to violent outbursts and is not yet prepared to conform his behavior to the rules.

For the foregoing reasons, Defendant’s motion for compassionate release is denied. A copy of this order will be mailed by Chambers.

SO ORDERED.

Date: February 25, 2021
New York, NY



VALERIE CAPRONI
United States District Judge

¹ The Court is hopeful that all Bureau of Prison inmates will receive the COVID-19 vaccine by the summer of 2021.